Sage-grouse Habitat Conservation Advisory Council

NOTES

Meeting 9: Draft Review

Location: Montana WILD, 2668 Broadwater Ave., Helena

Dates: October 8-9, 2013

Document: DRAFT Greater Sage-grouse Habitat Conservation Strategy, 4 October 2013

October 8

Council representatives: Pat Connell, Janet Ellis, Gary Forrester, Jay Gore, Robert Lee, Brad Hamlett, Bill McChesney, Paul Callahan, Curtis Monteau, Ray Shaw, Glenn Marx, Jeff Hagener

Agency/invited partners:

Department of Natural Resources and Conservation: Shawn Thomas Montana Fish, Wildlife and Parks: Ken McDonald, Rick Northrup, Catherine Wightman **Federal agencies were on furlough so there were no federal representatives present.

Public: Eric Detmer, Spring Creek Coal; Nola Freestone, Eco-Asset Management; Patrick Farmer, Westech; Gary Wiens, Montana Electric Co-ops; Leo Berry, GNP; Dave Galt, MPA; Van Jamison, Gaelectric; Rich Southwick, GNP; Melissa Lewis, ONEOK; Matthew Dillon, American Colloid Co.; Laura Blake, ArchCoal; Nick Gevock, Montana Wildlife Federation; Sam Milodragovich, Northwestern Energy; Hope Stockwell, LSD; Jeff Herbert, Montana Sportsman Alliance; Rusty Shaw, Denbury Resources

This was a working meeting to review the draft document and make necessary changes before the public comment period. Decisions resulting from discussion are captured in the Draft released to public on November 1. Formal motions are documented below.

DOCUMENT REVIEW

MOTION by McChesney - changes to seasonal stipulations, see edited draft Connell – seconded Passes unanimously

MOTION by Lee – move to adopt 2 miles instead of 4 for main roads; Connell – seconded Vote passes unanimously

Powerlines

MOTION by Connell, strike first sentence and change local distribution line language Lee – seconded Vote passes unanimously

MOTION by Hamlett - change "should" to "will" in mitigation sentence under powerlines Connell – second Vote passes unanimously

Mining

MOTION to change language indicated by Bob Green.

Passes unanimously

Monitoring/Adaptive Management

MOTION by Connell – additional language under monitoring Hamlett – second Passes unanimously

EXCEPTIONS

MOTION by Marx - tighten up language; if exceptions are to be granted, burden needs to be on those requesting exceptions to prove that

Gore – seconded

VOTE – Forrester, McChesney, Shaw, Connell – no vote; Ellis, Marx, Gore, Lee, Hamlett, Monteau – yes votes;

Motion fails - 4-6

MOTION by Connell – strike the word "reasonably" Lee – second VOTE – passes

SPECIAL MANAGEMENT CORE AREAS

MOTION by Forrester – accept Leo Berry's language regarding new petitions for SMCAs Seconded by Bob Lee Vote passes unanimously

GENERAL HABITAT STIPULATIONS

MOTION by Callahan – Coal mining be separated out and pulling in SMCRA language from core Vote passes unanimously

MOTION by Callahan - change mitigation language in oil, gas, mining section VOTE passes unanimously

 $\mbox{MOTION}-\mbox{change}$ to language to wind energy is not recommended within 4 miles of a lek Seconded by Bob Lee

Vote passes unanimously

MOTION by Marx – add some words about optimum levels to sagebrush treatment language Seconded

Vote passes unanimously

MOTION by Callahan - move language in general related to pipelines to core, page 14 Seconded by Jay Gore Vote passes unanimously

EXEMPTIONS

MOTION by Ellis -new language regarding herbicide. Monteau – second Vote passes unanimously MOTION by Hamlett – change to "Existing grazing operations". (rest of language stricken) seconded

Marx, Callahan, Ellis, Gore – no votes; Hamlett, Shaw, Connell, McChesney, Lee, Forrester, Monteau – yes votes

Motion fails. 4 – 7 vote

MOTION by Callahan, "...add for example..." Seconded by Janet Vote passes unanimously

MOTION by Callahan – "...in compliance with approved authorizations." AMENDED by Ellis – Production and maintenance activities of... Vote passes unanimously

MITIGATION

MOTION by Callahan - strike language re: future developments in mitigation section Connell – seconded 10:1 vote - passes

MOTION by Callahan - strike Service Area language Seconded Vote passes.

MANAGEMENT RECOMMENDATIONS

Predators

MOTION by Callahan – adopt Glenn Marx's language for introduction to predator section Seconded – McChesney
VOTE passes unanimously

MOTION by Callahan - to adopt additional changes to predator section proposed by Marx Connell – second VOTE – Ellis opposed; others in favor; passes 10:1

West Nile virus

MOTION by Connell - just keep a,b,c but eliminate i,ii, etc. details. Seconded – Callahan VOTE – passes unanimously

MOTION by Ellis - add D. if there is a WNV outbreak that significantly reduces sage-grouse populations, the MSGOT should look at local site-specific implementation strategy Marx – seconded

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Vote Passes unanimously

Hunting

MOTION by Marx - add d. The advisory council encourages the MSGOT to closely monitoring hunting regulations and make recommendations to Fish and Wildlife Commission.

Ellis - second

MOTION failed (no official count, but ~5:4 or so)

Implementation

MOTION by Callahan - language for last sentence under MSGOT - team consists...

Seconded - Marx

Vote – Forrester votes no; all others in favor.

Motion passes

October 9

Goal Statement

MOTION by Connell – goal statement language to set population target (concept, FWP may tweak wording)

Second - McChesney

VOTE - Lee - no vote; others - yes vote

Motion passes

Special Management Core Areas

MOTION by Callahan - change last sentence to "The petition must include a proposal for off-set mitigation."

Seconded by Gore

Vote passes unanimously

MOTION by Gore - accept additional language for MSGOT petitions

Callahan – seconded

Vote passes unanimously

Range Management

MOTION by Callahan - accept range management changes as reflected in document handed out by Jay Bodner

Bob – seconded

Vote passes unanimously

Predators

MOTION by Gore - do not accept proposed changes to predator section

Lee – seconded

Vote passes unanimously

MOTION by Hamlett - take out second part of e under predators "...thus decreasing the effectiveness of predators."

Connell - second

Vote - 5 no, 6 yes

Motion fails

PUBLIC COMMENT

Van Jamison, Gaelectric, LLC – concerns about proposed language regarding wind in sage-grouse core areas; WY plan – wind is strongly discouraged; passed out suggested changes; USFWS looks at candidate species as well; no value in MT plan more restrictive than WY; simply want to get the rest of industry to work with USFWS on wind guidelines, there are many companies that are not doing this; recommend and take these suggestions on board;

Richard Brown, Wyo-Ben – 2 issues – 1) core area page 14 in document – transportation – for Bentonite all roads from pit are used to transport materials, becomes a problem for bentonite; "locate main roads a minimum of two miles....locate lateral access roads a minimum of 1 mile". 2) mining – page 15, within a string centers might be closer than 100', unnecessary complication; disturbance is only an issue with very tight centers, request change to 50' by 50'; if saddled with taking the entire area in to account...

Gary Weins, Montana Electric Co-op Assoc. – 1.0 mile buffer in core is problem; OK with language in general habitat, more restrictive than WY, but we can live with it, so please stand firm on that; listen to folks during field hearings;

Dave Galt, Montana Petroleum Association – most serious concern boils down to 1.0 mile NSO in core, problem for them, question validity of science; his people say there is no justification to say that 0.6 mile is not adequate, USFWS comments rely on NTT report; Mining companies reviewed NTT report; have to question that USFWS relies on NTT; not aware of any studies that have evaluated value of mitigation conducted to date; ownership patterns – checkerboard ownerships, if you think you can have large-scale development if some of the 'squares' off-leasing, at lot of nonsense; 1.0 NSO precludes MPA from supporting plan; Follow WY makes a stronger cases; Recind comments about general habitat yesterday; SMCA are vital to economic development of MT; There are multiple big players in MT that are not part of MPA; There is a problem with Elk Basin, will get me files for Elk Basin;

Noise – WY group working on noise; language in their plan isn't working for them and they are working on it; they offered language once; if you have taken a core off the table during nesting/brood-rearing then a noise stip doesn't really matter; but it does matter in general; recommend you take that out in general; page 23 – reclamation – make sure it doesn't contradict statuate; winter stipulation – don't want situation where core areas and winter areas are the same, want winter areas mapped; I want to know if MDT is in or out – how new highways get built, does surface disturbance make it impossible for others to work, will be opposing new construction if it makes it impossible to work;

Bonnie Lorange, Montana Telecomm Systems – see attached letter titled Lorange_09October2013

Leo Berry, Great Northern Properties – thank committee, appreciates flexibility in plan; can't predict future; need flexibility while protecting bird;

PROCESS

- Catherine will put together changes made at this meeting, get out in next few days
- Opportunity to make sure there are no mistakes within next couple of weeks
- DEQ, MDT, DNRC directors, ask specific questions about inclusion of them (Jeff)
- Discussion with governor (Jeff)
- Talk with USFWS when they come back; they won't give us official letter until, expect some of this during public comment (Jeff)
- Go out with public comment, November 1 30 (period extended because of holiday)
- December consolidate public response
- January 7-8 meeting to address comments